

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 12-196(1) (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Phillip Anthony Roberts,

Defendant.

This matter is before the Court upon Defendant Phillip Anthony Roberts' ("Defendant") objections to Magistrate Judge Tony N. Leung's Report and Recommendation insofar as it recommends that Defendant's Motions to Suppress be denied. Plaintiff United States of America filed a response to Defendant's objections on October 23, 2012. (Doc. No. 36.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

With respect to the June 27, 2012 stop of the Defendant, the Court finds and concludes, as Magistrate Judge Leung did, that Officer Lesedi had sufficient facts to form a reasonable suspicion that the driver of the black Chrysler had just committed a crime. Consequently, the investigatory stop that occurred on June 27, 2012, did not violate

Defendant's Fourth Amendment rights. Careful scrutiny of the totality of the circumstances, in light of the officer's experience, establish that Officer Lesedi had reasonable suspicion of criminal activity. For these reasons, the Court will overrule the objections of the Defendant relating to the June 27, 2012 investigatory stop. And, with respect to the July 11, 2012 arrest of the Defendant, the Court concludes, as did Magistrate Judge Leung, that the totality of the circumstances and the record before the Court is sufficient to establish a reasonable belief that the Defendant had committed a criminal offense. Consequently, on the record before the Court, the Court concludes that probable cause did exist for the arrest of the Defendant on July 11, 2012. Accordingly, the evidence seized as a result of the subsequent inventory search of Defendant's car and the custodial statements that were made by the Defendant are admissible on constitutional grounds.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, and for the reasons stated above, the Court hereby enters the following:

ORDER

1. Defendant Phillip Anthony Roberts' objections (Doc. No. [35]) to Magistrate Judge Tony N. Leung's October 2, 2012 Report and Recommendation are **DENIED**.

2. Magistrate Judge Tony N. Leung's October 2, 2012 Report and Recommendation (Doc. No. [33]), is **ADOPTED**.

3. Defendant's Motions to Suppress (Doc. Nos. [20], [21]) are **DENIED**.

Dated: November 6, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge